

REMARKS

Applicants appreciate the very detailed examination evidenced by the Official Action dated July 29, 2004 (hereinafter the "Official Action"). Applicants also appreciate the withdrawal of the previous Official Action in the issuance of the present Official Action including the citation of the new references.

Applicants have amended several of the claims to address the objections thereto along the lines suggested by the Examiner. In particular, Claims 6, 7, 19, 26, and 35 have all been amended to replace the use of "and" with "or" as suggested by the Examiner. Accordingly, Applicants respectfully request the withdrawal of rejections of these claims in view of the present amendments.

Applicants have also amended the independent claims to further clarify the patentable subject matter recited therein. In particular, Applicants have added the recitation of "suspending camping on the TDMA Digital Control Channel" (or recitations that are similar thereto) to highlight that the camping (or other operation making use of the TDMA digital control channel) is mutually exclusive of a requested operation (such as playing an MP3 object). However, Applicants respectfully submit that the claims have not been narrowed by the present amendments as the new recitations merely clarify the mutually exclusive nature of the requested operation relative to camping, which is already recited in the claims. Applicants respectfully submit that all claims are patentable for at least the reasons discussed herein.

Amended Independent Claims 1, 11, and 30 are patentable over Hardin

Claims 1-5, 11-13, and 30-34 stand rejected under 35 U.S.C. § 102 over U.S. Patent No. 6,400,948 to Hardin ("Hardin"). *Official Action, page 2*. Respectfully, Applicants maintain that independent Claims 1, 11 and 30 are patentable over Hardin as, according to Applicants' understanding, the download request in Hardin (cited by the Official Action as disclosing the mutually exclusive operation recited in the claims) is in-fact required for camping, not mutually exclusive as claimed. In particular, Hardin appears to discuss an over-the-air activation service for programming mobile stations with intelligent roaming

information in the form of a "history list" including most recently used digital control channels. Moreover, as understood by Applicants, the digital control channels for the history list are transmitted to the mobile station while the mobile station is registered with the network (*e.g.*, while camping on a control channel). For example, Figure 1 of Hardin shows a base station/mobile switching station (BMI 14) and an over-the-air activation teleservice subsystem (OTAF16). In general data is transmitted from the OTFA 16 to the MS 12 through the BMI 14. *Hardin, column 6, line 65-column 7, line 5.* Hardin goes on to generally describe a download event (as understood by applicants that portion of Hardin claimed to disclose the mutually exclusive operation as claimed) as follows:

The OTAF 16 determines whether a download event has occurred.
A download event may occur at periodic times or at a predetermined time, such as every hour or once a day at a particular time. The download event may also be triggered by another event or condition. **For example, a download event may be triggered by detecting a registration message from a new MS 12 within the system 10.** *Hardin, column 7, lines 59-66.*

As demonstrated by the above cited passage of Hardin, the download event appears to be conducted while the mobile station is registered with the system. As understood by Applicants, when the mobile is registered, it is required to be camping on a control channel (so that the system is able to page the mobile over an assigned the digital control channel). Therefore, as understood by Applicants, Hardin does not disclose performing an operation which is mutually exclusive of camping on the TDMA digital control channel. As the downloads discussed therein appear to occur only when the mobile station is registered (*i.e.*, when camped).

Even though, as discussed above, Applicants maintain that Hardin does not anticipate the performance of an operation that is mutually exclusive of camping, Applicants have further amended independent claims 1, 11 and 30 to recite "suspending camping on the TDMA digital control channel" (or recitations analogous to this). As understood by Applicants, Hardin does not disclose or suggest the positive step of "suspending camping" as recited in the amended independent claims. Accordingly, the amendments made to these

independent claims further distinguish the patentable subject matter recited therein from Hardin.

Moreover, Applicants respectfully submit that these amendments do not narrow the scope of Claims 1, 11 and 30 as the recitation of "suspending camping on the TDMA digital control channel" is already implied in the recitation of "receiving a request for an operation to be performed by the TDMA wireless terminal that is performed by the TDMA wireless terminal mutually exclusive of camping on the TDMA digital control channel" as this recitation already indicates that the requested operation and camping are mutually exclusive of one another. Accordingly, the additional recitations added to independent Claims 1, 11 and 30 further illustrate the patentability of these claims over Hardin.

Furthermore, dependent Claims 2-5, 12-13, and 31-34 are also patentable over Hardin at least for their patentability of the amended independent claims from which they depend.

The remaining claims are also patentable given the deficiencies of Hardin cited above.

The remaining claims stand rejected over various combinations of Hardin with other references. In particular, Claims 6-10 stand rejected under 35 U.S.C. § 103 over Hardin in view of U.S. Patent No. 6,529,586 to Elvins, Claims 14-18 stand rejected under § 103 over Hardin in view of U.S. Patent No. 6,400,956 to Richton, Claim 20 stands rejected under § 103 over Hardin, Claims 21-24 stand rejected under § 103 over Hardin in view of U.S. Patent No. 5,768,267 to Raith, Claim 26 stands rejected under § 103 over Hardin in view of Richton and further in view of Raith, Claims 27-29 stand rejected under § 103 over Hardin in view of Richton and further in view of Raith, and Claim 35 stands rejected under § 103 over Hardin in view of Richton.

As understood by Applicants, these claims are also patentable at least for the reasons discussed above in reference to Hardin as each of the independent claims (and the dependent claims which depend therefrom) include the recitation of "receiving a request for an operation to be performed by the TDMA wireless terminal that is performed by the TDMA wireless terminal mutually exclusive of camping on the TDMA digital control channel" and "suspended camping on the TDMA digital control channel" (or analogous recitations).

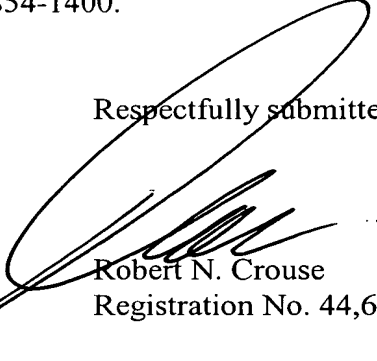
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Furthermore, none of the other references disclose or suggest these recitations missing from Hardin. Accordingly, Applicants respectfully submit that the remaining claims are patentable for at least the reasons discussed above.

CONCLUSION

Applicants have amended the independent claims to further highlight the patentable distinctions between those claims and the cited references including Hardin. Accordingly, applicants respectfully request the withdrawal of all rejections and the allowance of all claims in due course. If any informal matters arise, the Examiner is encouraged to contact the undersigned by telephone at 919-854-1400.

Respectfully submitted,

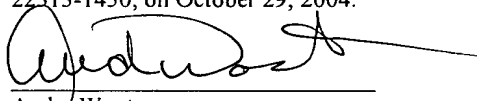


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